

ORDINANCE NO. 94-6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 92-24; PROVIDING FOR A REALLOCATION OF A PORTION OF THE FILING FEE DISTRIBUTED TO THE LAW LIBRARY FUND; PROVIDING FOR INCREASED SERVICE CHARGES FOR INSTITUTING A CIVIL ACTION FOR THE BENEFIT OF A PUBLIC GUARDIANSHIP PROGRAM PURSUANT TO SECTION 28.241, FLORIDA STATUTES; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR CLARIFICATION OF FILING FEE MAXIMUM AMOUNTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has approved the creation of a Public Guardianship Pilot Project under the auspices of the Legal Aid Society of Palm Beach County, Inc.; and

WHEREAS, Section 28.241(1), Florida Statutes, authorizes the County to impose, by ordinance, a fee of up to \$10.00 for each civil action filed in the circuit court for the payment of costs associated with public guardianships; and

WHEREAS, the Board of County Commissioners desires to increase the service charges of parties instituting a civil action for the payment of the costs associated with public guardianships; and

WHEREAS, the Board of County Commissioners declares it to be in the best interest of the public to increase the service charges as authorized by Section 28.241, Florida Statutes; and

WHEREAS, it has been recommended by the Criminal Justice Cost Containment Committee that the portion of the filing fee allocated to the law library be reduced, resulting in an increase in fees to meet other needs within the judicial system; and

WHEREAS, the Board of County Commissioners accepts the Committee's recommendation, recognizing the benefit that will be realized in other areas of the criminal justice system which serves the citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:



1 ARTICLE I. Ordinance No. 92-24 is hereby amended as follows:

2 SECTION 1. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT  
3 COURT AND COUNTY COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

4 A. FEES IN ADDITION TO SECTION 28.241, FLORIDA STATUTES.

5 A party instituting any civil action, suit or proceeding in  
6 the circuit court of the Fifteenth Judicial Circuit of Florida  
7 in and for Palm Beach County shall pay to the Clerk of said  
8 court the maximum service charge (hereinafter referred to as  
9 "Court Facility Fee"), allowed under Section 28.241, Florida  
10 Statutes, in addition to the service charges payable to the  
11 Clerk of said court pursuant to Chapter 28, Florida Statutes.

12 B. FEES IN ADDITION TO SECTION 28.2401, FLORIDA STATUTES.

13 A party instituting any estate, administration, guardianship,  
14 action, suit or proceeding in the probate department in the  
15 circuit court of the Fifteenth Judicial Circuit of Florida in  
16 and for Palm Beach County shall pay to the Clerk of said court  
17 the service charge (hereinafter referred to as "Court Facility  
18 Fee") allowed under Section 28.2401, Florida Statutes, in  
19 addition to any other service charges payable to the Clerk of  
20 said court pursuant to Chapter 28, Florida Statutes, as  
21 follows:

- |    |  |         |
|----|--|---------|
| 22 | 1) Formal Administration, Guardianship,        |         |
| 23 | Ancillary Curatorship or Conservatorship       |         |
| 24 | and proceedings .....                          | \$95.00 |
| 25 |  |         |
| 26 | 2) Family Administration .....                 | 60.00   |
| 27 |  |         |
| 28 | 3) Summary Administration .....                | 50.00   |
| 29 |  |         |
| 30 | 4) Disposition of Personal Property            |         |
| 31 | Without Administration .....                   | 30.00   |
| 32 |  |         |
| 33 | 5) Petition and Order to Admit Foreign Will,   |         |
| 34 | Authenticated Copies, Exemplified Copies,      |         |
| 35 | or Transcript of Records .....                 | 47.50   |
| 36 |  |         |
| 37 | 6) For the opening of any estate of one        |         |
| 38 | document or more, including, but not           |         |
| 39 | limited to, petitions and orders to            |         |
| 40 | approve settlement of minor's claims;          |         |
| 41 | to open a safe deposit box; to enter           |         |
| 42 | rooms and places; for the determination        |         |
| 43 | of heirs, if not formal administration;        |         |
| 44 | and for a foreign guardian to manage property  |         |
| 45 | of a non-resident; but not to include issuance |         |
| 46 |  |         |
| 47 | of letters or order of summary and family      |         |
| 48 | administration .....                           | 27.50   |
| 49 |  |         |



7)	Guardianship Proceedings of Persons .....	145.00
8)	Veterans Administration Guardianship Pursuant to Chapter 744, Florida Statutes...	35.00
9)	Petitions for Determination of Incapacity...	35.00
10)	Caveats .....	32.50

**C. FEES IN ADDITION TO SECTION 34.041, FLORIDA STATUTES.**

A party initiating any civil action, suit or proceeding in the county court of the Fifteenth Judicial Circuit Court of Florida in and for Palm Beach County shall pay to the Clerk of said court the following service charges (hereinafter referred to as "Court Facility Fee") which shall be in addition to any other service charges, filing fee or cost provided for in Section 34.041, Florida Statutes:

Claims of less than \$100.00 .....	\$18.00
Claims of \$100.00 or more but not more than \$2500.00 .....	41.00
Claims of more than \$2500.00 .....	118.00
Landlord and Tenant actions .....	38.00

**D. PURPOSES:**

1. Forty-five percent (45%) of the Court Facility Fees shall be remitted to the Board of County Commissioners to be used for providing and maintaining court facilities. Monies in this account shall be expended only to pay for court-related appropriations in the county budget authorized by the Board of County Commissioners.

2. Five percent (5%) of the Court Facility Fees shall be retained by the Clerk of the Circuit Court to pay costs incurred by the Clerk in performing services and maintaining the public records of the courts.

3. Fifty percent (50%) of the County Facility Fees shall be remitted to the Board of County Commissioners of Palm Beach County on a monthly basis by the Clerk for deposit in the appropriate account to be used for providing and maintaining facilities for data processing.



1            **SECTION 2.**    **ADDITIONAL FEES IN CIVIL ACTIONS IN THE CIRCUIT**  
2            **COURT AND COUNTY COURT TO FUND MEDIATION AND ARBITRATION**  
3            **PROGRAMS PURSUANT TO SECTION 44.108, FLORIDA STATUTES.**

4            **A.    ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES.**

5            1.    There is hereby levied an additional five (\$5.00) dollar  
6            service charge in circuit civil court proceedings,  
7            excluding juvenile and probate matters, for the purpose  
8            of supporting mediation-arbitration programs. The Clerk  
9            shall forward four (\$4.00) dollars of each service charge  
10           derived from the imposition of the service charge into  
11           the county's mediation-arbitration account fund. The  
12           Clerk shall forward one (\$1.00) dollar of each service  
13           charge collected to the State Court Administrator on a  
14           monthly basis. At the end of each fiscal year, the  
15           balance of funds in the mediation-arbitration fund shall  
16           remain in the fund for the next fiscal year.

17           2.    There is hereby levied an additional five (\$5.00) dollar  
18           service charge on county civil proceedings, excluding  
19           small claims proceedings (actions not exceeding \$2500.00  
20           exclusive of costs, interest and attorney's fees) for the  
21           purpose of supporting county civil mediation-arbitration  
22           programs. The Clerk shall forward four (\$4.00) dollars  
23           of each service charge derived from the imposition of the  
24           service charge in the county's mediation-arbitration  
25           account fund. The Clerk shall forward one (\$1.00) dollar  
26           of each service charge collected to the State Courts  
27           Administrator on a monthly basis. At the end of each  
28           fiscal year, the balance of funds in the mediation-  
29           arbitration fund shall remain in the funds for the next  
30           fiscal year.

31           3.    In dissolution of marriage proceedings where a subsequent  
32           motion or petition for modification of final judgment is  
33           filed after the final judgment is entered in said  
34           dissolution of marriage, there is hereby levied a forty-  
35           five (\$45.00) dollar service charge. The Clerk shall



1 deposit forty-four (\$44.00) dollars for each matter  
2 collected hereto into the family mediation trust fund,  
3 and shall forward one (\$1.00) dollar to the Office of the  
4 State Courts Administrator on a monthly basis. At the  
5 end of each fiscal year, the balance of funds in the  
6 family mediation trust fund shall remain in the fund for  
7 the next fiscal year.

8 **SECTION 3. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT**  
9 **COURT AND COUNTY COURT FOR THE BENEFIT OF THE LAW LIBRARY FUND**  
10 **PURSUANT TO SECTION 3 OF CHAPTER 24775, LAWS OF FLORIDA.**

11 **A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES:**

- 12 1. There is hereby levied an additional eleven dollars and  
13 fifty cents (\$11.50) service charge in circuit civil  
14 court proceedings and county civil proceedings where the  
15 claim exceeds two thousand five hundred (\$2500.00)  
16 dollars for the purpose of assisting Palm Beach County in  
17 funding the County Law Library, including the branches,  
18 which are open to the public.
- 19 2. There is hereby levied an additional six dollars and  
20 fifty cents (\$6.50) service charge in county civil  
21 proceedings where the claim does not exceed twenty-five  
22 hundred (\$2500.00) dollars for the purpose of assisting  
23 Palm Beach County in funding the County Law Library,  
24 including the branches, which are open to the public.

25 **SECTION 4. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT**  
26 **COURT AND COUNTY COURT FOR THE BENEFIT OF A LEGAL AID PROGRAM**  
27 **PURSUANT TO SECTION 28.241(1) AND 34.041(1), FLORIDA STATUTES.**

28 **A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES.**

- 29 1. There is hereby levied an additional fifteen (\$15.00)  
30 dollar service charge on Circuit Civil Court proceedings,  
31 excluding juvenile cases, for the purpose of supporting  
32 a Legal Aid program. All fees collected pursuant to this  
33 section shall be remitted monthly by the Clerk to the  
34 Treasurer of the Legal Aid Society of Palm Beach County,  
35 Inc., to be administered in a fund to be known as the



Legal Aid Fund. Legal Aid shall have an independent audit conducted, including specific reference to the Legal Aid program's receipts and expenditures, within 120 days following the close of its fiscal year. A copy of the audit shall be delivered to the Board of County Commissioners.

2. There is hereby levied the following charges for all county civil cases for the purposes of supporting a Legal Aid program:

- a) For all claims less than \$100.00 ..... \$ 1.00
- b) For all claims equal to or more than \$100.00 but less than \$2500.00 ..... 3.00
- c) For all claims equal to or more than \$2500.00 ..... 15.00
- d) For all actions for removal of tenant ..... 4.00

B. USE OF FUNDS. All funds collected pursuant to this section shall be used exclusively for the purpose of funding and maintaining a program that makes civil legal services accessible to the indigent and needy general public in Palm Beach County and for no other purpose. Expenditure of these funds for this purpose is declared to be a proper and necessary public and County purpose in and for Palm Beach County.

**SECTION 5. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT COURT FOR THE PAYMENT OF COSTS ASSOCIATED WITH PUBLIC GUARDIANSHIPS, PURSUANT TO SECTION 28.241(1), FLORIDA STATUTES.**

**A. ASSESSMENT OF FEE AND COLLECTION PROCEDURES:**

There is hereby levied an additional \$3.50 fee in all circuit civil actions filed (including Circuit Civil, Family Division, and Probate and Guardianship Divisions) for the payment of costs associated with public guardianships. As required by Section 28.241(1), Florida Statutes, the County shall match these funds from county general revenue. All fees collected pursuant to this section shall be remitted monthly to the Board of County Commissioners for further disbursement to the Treasurer



1 of the Legal Aid Society of Palm Beach County, Inc., to  
2 be administered in a fund to be known as the Guardianship  
3 Fund. Legal Aid shall enter into the County's standard  
4 Financially Assisted Agency Agreement with the Board of  
5 County Commissioners.

6 **B. USE OF FUNDS.**

7 All funds collected pursuant to this section shall be  
8 used exclusively for the purpose of funding and maintain-  
9 ing a public guardianship program accessible to the  
10 indigent, incapacitated elderly residents of Palm Beach  
11 County and for no other purpose. Expenditure of these  
12 funds for this purpose is declared to be a proper and  
13 necessary public and County purpose in and for Palm Beach  
14 County.

15 **ARTICLE II. REPEAL OF ORDINANCES IN CONFLICT**

16 The provisions of any ordinance in conflict herewith is hereby  
17 repealed to the extent of such conflict.

18 **ARTICLE III. SEVERABILITY**

19 If any section, paragraph, sentence, clause, phrase, or word  
20 of this ordinance is for any reason held by the court to be  
21 unconstitutional, inoperative or void, such holding shall not  
22 affect the remainder of this ordinance.

23 **ARTICLE IV. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

24 The provisions of this ordinance shall become and be made a  
25 part of the Code of Laws and Ordinances of Palm Beach County,  
26 Florida. The sections of this ordinance may be renumbered or  
27 relettered to accomplish such, and the word "ordinance" may be  
28 changed to "section", "article", or any other appropriate word.

29 **ARTICLE V. EFFECTIVE DATE**

30 The provisions of this ordinance shall become effective on  
31 April 1, 1994.



1           APPROVED and ADOPTED by the Board of County Commissioners of  
2 Palm Beach County, Florida, on the    15th    day of   March        ,  
3 1994.

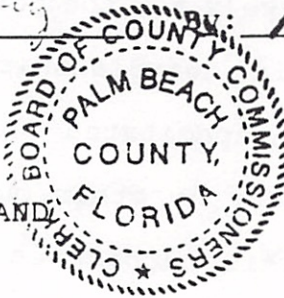
4  
5  
6  
7 ATTEST:

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

8  
9 DOROTHY H. WILKEN, CLERK

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11  
12 By *Sharon Kelly*  
13 Deputy Clerk

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By *May McCarty*  
Chair



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: *Dennis M. Burch*  
County Attorney

Acknowledgement by the Department of the State of Florida, on  
this, the    25th    day of    March        , 1994.

Acknowledgement from the Department of State received on the  
  30th    day of    March        , 1994, at    1:21    P. M.,  
and filed in the Office of the Clerk of the Board of County  
Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 3/15/94  
DATED at West Palm Beach, FL on 3/31/94  
DOROTHY H. WILKEN, Clerk  
By: *Doree Clapper* D.C.

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